

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. By this amendment, claim 1 has been amended. A proposed drawing correction is filed on separate pages. Reconsideration and allowance of the present application based on the above amendments and following remarks are respectfully requested.

The claimed invention relates to a telecommunication method and a receiving apparatus for enabling the telecommunication method. The receiving apparatus corresponds to a telecommunications mobile device that comprises an identification card, a radio receiver and/or a television receiver, as well as mobile radio components through which the telecommunications mobile device is operative in a mobile radio network. Through the identification card, a user of the telecommunications mobile device can be automatically identified. The radio receiver enables the telecommunications mobile device to receive information via a radio channel and the television receiver enables the telecommunications mobile device to receive information via a broadcast channel.

The telecommunications mobile device is capable of receiving digital data, transmitted over a broadcast channel as program-accompanying data in a media program and reproducing the media program on a display of the telecommunications mobile device. The received digital data may include applets which can be executed by the telecommunications mobile device. The received information may be displayed on the display. The display of received information may be selective according to a relevant user profile. The displayed interface facilitates interactions with the user, during which the user may enter a command. Based on the user's command, the telecommunications mobile device prepares a message, which includes

at least one data field from the received digital data and the identification of the user determined from the identification card, and sends the prepared message via a mobile radio network.

In the Office Action, dated February 24, 2003, the Examiner rejected claims 1-3, 5-15, and 17-19 under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu (U.S. Patent No. 5,684,526) further in view of Jonstromer (U.S. Patent No. 6,142,369), Diehl et al. (U.S. Patent No. 5,173,589), and Suzuki (U.S. Patent No. 5,946,026). The rejection is respectfully traversed.

As recited in the amended claims 1 and 14, the claimed invention relates to a telecommunication method (amended claim 1) enabled through a telecommunications mobile device (amended claim 14). According to claims 1 and 14, the telecommunications mobile device comprises an identification card, through which a user of the telecommunications mobile device is identified, mobile radio components, through which the telecommunications mobile device is operative in a mobile radio network, a radio receiver and / or a television receiver. Through its receiver(s), the telecommunications mobile device receives digital data, transmitted via a broadcast channel as program-accompanying data in a media program. The telecommunications mobile device, through its reproducing means, may reproduce the media program on a display. The telecommunications mobile device also displays the received information on the display, through which a user is allowed to enter a command. According to the entered command, a message is prepared, through a message-preparing means of the telecommunications mobile device, wherein the prepared message includes a data field of the received digital data as well as an identification of the user determined automatically from the identification card of the

telecommunications mobile device. The message is then subsequently sent via a mobile radio network.

Yoshinobu teaches a remote control transmitter (300, see column 5, lines 59 and 60, column 4, lines 49 and 50, and column 4, lines 53 and 54, see also Fig. 2 and Fig. 3) for one-way communication from the remote control transmitter to a transmitting apparatus (400, see Fig. 2 for the one-directional arrow between 300 and 400, column 6, lines 2-5, column 6, lines 6-8), preferably by means of infrared radiation (see Fig. 2, column 6, lines 9-14). Identification information is manually entered by a user via the remote control transmitter and is transmitted from the remote control transmitter to an interface system (400) over a telephone line and subsequently to a pre-determined destination (column 6, lines 28, 29).

The applicant respectfully maintains that Yoshinobu discloses neither a telecommunication method nor a receiving apparatus that enables the telecommunication method. Yoshinobu does not disclose a telecommunications mobile device containing a radio receiver and/or a television receiver. In addition, the remote control transmitter taught by Yoshinobu does not include any mobile radio component. Therefore, the remote control transmitter there can not operate in a mobile radio network. Furthermore, as correctly pointed out by the Examiner, Yoshinobu does not disclose a telecommunications mobile device that includes an identification card capable of automatically identifying the user of the device.

The remote control transmitter taught by Yoshinobu includes neither a means to receive digital data as program-accompanying data transmitted with a media program via a broadcast channel nor a reproducing means that is capable of reproducing the media program on a display or displaying received information via a broadcast channel. According to Yoshinobu, a user has to manually enter the

identification information associated with a broadcast program (see column 5, line 65, column 6, line 2) that is observed by the user from a **separate** television set (see column 6, lines 17-20). Additionally, Yoshinobu does not teach a message-preparing means, through which a message can be generated based on a user entered command using data fields from received digital data and through which the message can be sent via a mobile radio network.

Therefore, Yoshinobu does not teach or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, containing an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card.

The Examiner indicated that one skilled in the art would be able to move the components of the interface system (i.e., transmitting apparatus 400) into the wireless device (i.e., the remote control transmitter 300) in Yoshinobu so that the wireless device can communicate directly with the TV/radio broadcast and phoen network if needed. Applicant respectfully submits that Yoshinobu does not motivate or suggest such a move. If such a move would have been obvious at the time Yoshinobu's invention was made, Yoshinobu could have motivated or indicated such an alternative embodiment in his teaching. Absence of a discernable motivation in Yoshinobu's disclosure, hindsight interpretation of Yoshinobu's motive does not render the move obvious. Furthermore, even if such a move is suggested in Yoshinobu, merging the

interface system with the wireless device results in a remote controal transmitter wired to the **telephone line** (column 6, lines 28 and 29, the marked LINE in Fig. 2). That is, the integration does not produce a telecommunications mobile device as recited in claim 14 that supports the telecommunication method as recited in claim 1.

Jonstromer does not remedy the deficiencies of Yoshinobu. Applicant respectfully submits that Jonstromer merely teaches a mobile telephone that uses a smart/SIM card to identify a user. Jonstromer fails to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, containing an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Jonstromer in view of Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Diehl et al. do not remedy the deficiencies of Yoshinobu and Jonstromer. Appilicant respectfully submits that Diehl et al. merely teach a process of instantaneous confirming of actions in relation to television programs and device for use of the process. According to Diehl et al., a receiver and a smart card are used to interact with a television program, where the receiver is not a mobile device. Diehl et al. fail to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, containing an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means, and

message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Diehl et al. in view of Jonstromer and Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Suzuki does not remedy the deficiencies of Yoshinobu, Jonstromer, and Diehl et al. Suzuki teaches a method in which a multicast broadcast receiver is used in combination with a separate television set for ordinary television broadcasting. According to Suzuki's disclosure, when a user of the multicast broadcast receiver watches a television broadcasting program displayed on a television set, the user is requested, by a radio broadcast program (a separate channel than the television broadcasting program which may, for example, request a user watching a television program to rate the program), to enter data, through an entry means of the multicast broadcast receiver, displayed on the separate television set (e.g., a number corresponding to either rating "approval" or "disapproval") (Column 2, 34-40). The entered data is then transmitted via a communication means of the multicast broadcast receiver (Column 2, lines 54-65).

Applicant respectfully submits that Suzuki teaches a method that allows a user to use a multicast broadcast receiver to capture and to return data according to what is observed in a television broadcast program shown on a separate television set and what is requested by the radio broadcast program. Although Suzuki teaches reproducing a radio broadcast program (e.g., Column 1, lines 66) through which a

user is requested to enter data, the reproduction means is limited to reproducing audio signals through a speaker (Column 1, lines 23-24, lines 30-32). That is, Suzuki does not teach reproducing a television broadcast program or a media program received by a television receiver. Particularly, Suzuki does not teach to receive and to display a television media program.

The solution disclosed by Suzuki is different from what is claimed in the present invention. Suzuki's teaching does not lead a person having ordinary skill in the art to derive the solution claimed in claims 1 and 14. To the contrary, applying Suzuki's teaching, one skilled in the art would have derived a system where a telecommunication device is required to be used in combination with a separate television set. In contrast, the present invention describes a single integrated mobile receiver that is capable of receiving media programs together with program-accompanying data, reproducing media programs, displaying the program-accompanying data, as well as performing mobile communications. This facilitates a feedback channel for program-accompanying data as part of the broadcast media program and such a channel is available to users any time and anywhere regardless whether there is an available television set.

The Examiner stated that one skilled in the art would modify Suzuki to provide wireless communication. At the time of Suzuki's invention, wireless communication, particularly mobile radio telephones, were well known. Suzuki could have indicated such an alternative of using wireless communications. However, Suzuki makes no reference or does not suggest the use of wireless communication. Obviously, to Suzuki, there is no need to provide or to introduce the use of wireless communication because Suzuki's method is for a particular setting (where a separate television is present) and his failure to mention or to motivate the use of wireless

communication suggests that there is no reason in that particular setting to need wireless communication.

As a consequence of having separate multicast broadcast receiver and a television set which operate independently, the multicast broadcast receiver in Suzuki has no control over the television set in terms of what to receive and what to display. Furthermore, due to the fact that the television broadcast programs and radio broadcast programs are handled independently, a user in Suzuki's setting has to manually enter data (e.g., product number) on the telecommunication device based on what is observed from a separate television set.

Suzuki fails to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, containing an identification card, mobile radio components, radio receiver and/or a television receiver, reproducing means for media programs, display means for selectively displaying received program-accompanying data, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-accompanying data in a media program via a mobile radio network, reproducing the media program on the telecommunications mobile device, displaying the received digital data, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Suzuki in view of Diehl et al., Jonstromer, and Yoshinobu fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14. It is not obvious for one with ordinary skill in the art to devise the claimed method and apparatus from disclosures by Yoshinobu, Jonstromer, Diehl et al., and Suzuki.

Therefore, the Applicant respectfully requests that the rejection of claims 1 and 14 under 35 U.S.C. §103(a) be withdrawn.

Claims 2, 3, and 5-13 depend from claim 1. Consequently, claims 2, 3, and 5-13 are patentable at least for the reasons stated above with respect to claim 1 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claims 2, 3, 5-13 under §103(a) be withdrawn.

Claims 15 and 17-19 depend from claim 14. Consequently, claims 15 and 17-19 are patentable at least for the reasons stated above with respect to claim 14 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claims 15 and 17-19 under §103(a) be withdrawn.

Claims 4 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu and Jonstromer as applied to claims 14 and 15, and further in view of Alperovich et al. (U.S. Patent No. 6,138,002). The rejection is respectfully traversed. The combination of Yoshinobu, Jonstromer, and Alperovich et al. fails to teach or suggest all the features recited in rejected claims.

As stated above, the combination of Yoshinobu and Jonstromer fails to teach or suggest all the features recited in claims 1 and 14. Alperovich et al. do not remedy the discussed deficiencies. Alperovich et al. disclose a system that allows a mobile station (MS) or a SIM card within the MS to receive information from air interface to determine current time period, e.g., peak or off-peak, for a subscriber based on broadcast system date and time prior to answering or placing a call on the mobile terminal. Although Alperovich et al. teaches the use of a Java script to be executed on the SIM card, Alperovich et al. fail to disclose, teach, or fairly suggest a telecommunication method facilitated by a telecommunications mobile device, where the telecommunications mobile device contains mobile radio components, radio receiver and/or a television receiver, reproducing means, and message-preparing means, and enables the functions of receiving digital data, transmitted as program-

accompanying data in a media program via a mobile radio network, displaying the received digital data on a display, and preparing a message based on a user entered command using data fields of the received digital data as well as an identification automatically determined from the identification card. Therefore, Alperovich et al. in view of Yoshinobu and Jonstromer fail to disclose, teach, or suggest at least the features discussed above, as recited in claims 1 and 14.

Claim 4 depends from claim 1. Consequently, claim 4 is patentable at least for the reasons stated above with respect to claim 1 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claim 4 under §103(a) be withdrawn.

Claim 16 depends from claim 14. Consequently, claim 16 is patentable at least for the reasons stated above with respect to claim 14 and for the addition features recited therein. Therefore, the Applicant respectfully requests that the rejection of claim 16 under §103(a) be withdrawn.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned "Version with markings to show changes made".

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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Attachments: Appendix
Abstract

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (*Amended*) A telecommunication method, comprising:

receiving, by a telecommunications mobile device containing a radio receiver and/or a television receiver therein, digital data, transmitted over a broadcast channel as program-accompanying data in a media program, wherein the telecommunications mobile device includes an identification card by which a user of the telecommunications mobile device is identified;

reproducing, by the telecommunications mobile device, the media program on a display of the telecommunications mobile device;

displaying information, corresponding to the received digital data, on a display of the telecommunications mobile device;

entering a command by the user;

preparing a message corresponding to the entered command, the prepared message including at least one data field from the received digital data and an identification of the user determined from the identification card; and

sending the prepared message over a mobile radio network.